



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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February 10, 2003

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Syn No. 4
04/23/02

TO: SUPERVISOR YVONNE BRATHWAITE BURKE, Chair
SUPERVISOR GLORIA MOLINA
SUPERVISOR ZEV YAROSLAVSKY
SUPERVISOR DON KNABE
SUPERVISOR MICHAEL D. ANTONOVICH

FROM: LLOYD W. PELLMAN
County Counsel

A handwritten signature in dark ink, appearing to read "LW Pellman", is written over the printed name and title.

RE: Subdivision Map Act - Certificate of Compliance

You have directed this office and the Departments of Regional Planning and Public Works to review the Subdivision Map Act ("Act") requirements for the issuance of certificates of compliance in connection with the granting of ministerial permits and to report back with recommendations on changes to policies to eliminate unnecessary and burdensome regulations.

The Act regulates the manner in which land is subdivided in California. In general, under modern subdivision law, lots are created through the processing of subdivision maps or parcel maps. The Act also contains the certificate of compliance procedure for certifying the validity of parcels which were created by deed and conveyance prior to the passage of modern subdivision laws. These parcels are often referred to as "dash-line" parcels.

The certificate of compliance process also protects innocent purchasers of unlawfully divided property. Under the Act, dash-line parcels created prior to March 4, 1972, are presumed to be lawfully created if a subsequent purchaser acquired the parcel without actual or constructive knowledge of a violation of subdivision laws. (Government Code § 66412.6(b)) Government Code section 66412.6(b) protects innocent purchasers of land which was divided prior to March 4, 1972, by ensuring that they are entitled to receive either a certificate of

compliance or a conditional certificate of compliance. Under section 66412.6(b), owners of such dash-line parcels are required to obtain the certificate of compliance or conditional certificate of compliance prior to obtaining a permit or approval for "development" of their dash-line parcel.

Many such dash-line parcels are in urbanized areas of the County and are already developed with residential or commercial structures. Current County practice requires that the owner of a dash-line parcel obtain a certificate of compliance before undertaking any work which requires a building permit. This practice is based upon a broad reading of the term "development" in Government Code section 66412.6(b) to include any work requiring a building permit, rather than merely development of the parcel in the first instance. Accordingly, under current County practice, the owner of a developed dash-line parcel is required to obtain a certificate of compliance for even minor construction activities, if those activities require a building permit.

In our opinion, the language of section 66412.6(b) does not necessarily require the owner of a dash-line parcel to obtain a certificate of compliance prior to undertaking repairs or even additions to an already developed parcel. After reviewing this matter with the Departments of Regional Planning and Public Works, we have collectively determined that current County certificate of compliance practices can be modified while maintaining consistency with the Act and responsible development controls. We have identified three categories of work which require ministerial building permits or ministerial zoning approvals which could be allowed without requiring a certificate of compliance for already developed dash-line parcels.

The three categories are: 1) maintenance, repair, remodeling or additions to existing structures constructed with building permits which do not alter the use of the property or change the density of the property; 2) the construction of onsite business signs; and, 3) the construction of accessory structures to existing primary structures which were constructed with building permits.

We understand that the Department of Regional Planning will implement a policy which exempts the three identified categories from the requirement to obtain a certificate of compliance. This achieves the goal of streamlining the procedures for undertaking minor improvements while maintaining consistency with the Act. Such a policy does not hinder the County's ability to investigate and pursue appropriate remedies when the County has knowledge that a property has been divided in violation of the Act.

Owners of undeveloped dash-line parcels or owners who propose work on developed property which requires any discretionary approval will still be required to obtain a certificate of compliance before obtaining a permit or approval for such development.

If you have any questions concerning this matter, please contact me, John Krattli at 974-1838, or Peter Gutierrez at 974-1857.

LWP:PJG:am

c: David E. Janssen
Chief Administrative Officer

Violet Varona-Lukens, Executive Officer
Board of Supervisors

James A. Noyes, Director
Department of Public Works

James E. Hartl, Director
Department of Regional Planning